

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Andre R. Levesque

v.

Civil No. 09-cv-437-JL

State of New Hampshire, et al.

O R D E R

Before the Court for consideration is a Motion to Revoke in Forma Pauperis Status (document no. 59), filed by defendants New Hampshire State Prison, the Secure Psychiatric Unit, and Kevin Stevenson (hereinafter the "State defendants"). Levesque has responded to the motion (document no. 63).

The State defendants argue that Levesque has improvidently been granted in forma pauperis status. The court granted Levesque's request to proceed in forma pauperis on January 22, 2010.

The State defendants argue that Levesque has sufficient means to pay his filing fee in this case, including a piece of property in New York valued at more than \$46,000 in which he claims to hold equity of at least \$37,000, as well as \$4,500 in savings and monthly SSDI benefits of \$1,042. Finally, the State defendants point out that, at present, due to Levesque's

commitment to the custody of the State, his living expenses are provided for, and therefore his expenses are minimal.


Levesque has filed a response that does not dispute the material facts asserted by the State defendants. Instead, Levesque argues that the motion should be denied because the \$4,500 he has in savings is money he will need to winterize his home in New York once he is released from custody.

Discussion

This Court may grant in forma pauperis status to relieve an inmate who demonstrates that he is "unable to pay such fees or give security therefor" from paying the entire \$350 filing fee required in a civil action prior to considering the matter. 28 U.S.C. § 1915(a). I find that, notwithstanding the previous Order of this Court granting in forma pauperis status, Levesque cannot now demonstrate that he is unable to pay the \$350 filing fee in this matter. Accordingly, the State defendants' Motion to Revoke In Forma Pauperis Status (document no. 59) is GRANTED.

Levesque must pay the entire filing fee of \$350 within thirty days of the date of this Order. If Levesque fails to pay the filing fee as directed, this case will be dismissed without prejudice to refiling.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Date: September 8, 2010

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